

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MAJED KHALIL,

Plaintiff,

v.

FOX CORPORATION, FOX NEWS  
NETWORK, LLC, LOU DOBBS and  
SIDNEY POWELL

Case No. 1:21-cv-10248-LLS

**DECLARATION OF SIGMUND S.  
WISSNER-GROSS IN SUPPORT OF  
PLAINTIFF'S OPPOSITION TO  
MOTIONS TO DISMISS OF  
DEFENDANTS FOX CORPORATION,  
FOX NEWS NETWORK LLC, AND LOU  
DOBBS, AND SIDNEY POWELL**

I, Sigmund S. Wissner-Gross, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a partner in the law firm of Brown Rudnick LLP, attorneys for plaintiff Majed Khalil in the above-captioned matter. I submit this declaration in support of Plaintiff's Opposition to the Motions to Dismiss filed by (i) Defendants Fox Corporation, Fox News Network LLC, and Lou Dobbs, and (ii) Sidney Powell.
2. Attached as **Exhibit A** is a true and accurate copy of the Decision and Order, *Smartmatic USA Corp. et al. v. Fox Corp., et al.*, Index No. 151136/2021 (Sup. Ct. N.Y. Cnty. March 8, 2022) [NYSCEF No. 856].
3. Attached as **Exhibit B** is a true and accurate copy of the Opinion, *US Dominion, Inc. v. Fox News Network, LLC*, C.A. No.: N21C-03-257-EMD, 2021 WL 5984265 (Del. Super. Ct. Dec. 16, 2021).
4. Attached as **Exhibit C** is a true and accurate copy of the Order, *US Dominion, Inc. v. Fox News Network, LLC*, C.A. No.: N21C-03-257-EMD, 2022 WL 100820 (Del. Super. Ct. Jan. 10, 2022).

5. Attached as **Exhibit D** is a true and accurate copy of the Order, *Fox News Network, LLC v. US Dominion, Inc.*, C.A. No. N21C-03-257-EMD, 2022 WL 274235 (Del. Jan. 31, 2022).
6. Attached as **Exhibit E** is a true and accurate copy of the Memorandum Opinion, *US Dominion, Inc.*, et al. v. Powell, et al., No. 1:21-cv-00040, 2021 WL 3550974 (D.D.C. Aug. 11, 2021).
7. Attached as **Exhibit F** is a true and accurate copy of the Complaint (without exhibits attached), *Smartmatic USA Corp. et al. v. Fox Corp., et al.*, Index No. 151136/2021 (Sup. Ct. N.Y. Cnty. Feb. 4, 2022).
8. Attached as **Exhibit G** is a true and accurate copy of the Complaint (without exhibits attached), *US Dominion, Inc., et al. v. Fox News Network, LLC*, et al., C.A. No.: N21C-03-257-EMD (Del. Super. Ct. Mar. 26, 2021).
9. Attached as **Exhibit H** is a true and accurate copy of the Complaint and Demand for Jury Trial (without exhibits attached), *US Dominion, Inc., et al. v. Powell, et al.*, No. 1:21-cv-00040, (D.D.C. Jan. 8, 2021).
10. Attached as **Exhibit I** is a true and accurate copy of an article by Maggie Haberman & Alan Feuer, entitled, *Trump Team Disavows Lawyer Who Peddled Conspiracy Theories on Voting*, N.Y. Times (Nov. 22, 2020), which can be found at <https://www.nytimes.com/2020/11/22/us/politics/sidney-powell-trump.html>.
11. Attached as **Exhibit J** is a true and accurate copy of the December 1, 2020 article by Michael Balsamo, entitled, *Disputing Trump, Barr Says No Widespread Election Fraud*, Associated Press, as downloaded from the Westlaw database.

12. Attached as **Exhibit K** is a true and accurate copy of an article by the Georgia Secretary of State, entitled, *Elections Security Is Our Top Priority: Security Focused Tech Company, Dominion Voting to Implement New Verified Paper Ballot System*, which can be found at <https://sos.ga.gov/securevoting/>.
13. Attached as **Exhibit L** is a true and accurate copy of an article by Seung Min Kim, Josh Dawsey & Toluse Olorunnipa, *Republicans plunge into open battle over attempts to overturn Trump's loss to Biden*, Wash. Post (Dec. 22, 2020), which can be found at [https://www.washingtonpost.com/politics/trump-republicans-electionfight/2020/12/22/fa0c2744-446b-11eb-b0e4-0f182923a025\\_story.html](https://www.washingtonpost.com/politics/trump-republicans-electionfight/2020/12/22/fa0c2744-446b-11eb-b0e4-0f182923a025_story.html).
14. Attached as **Exhibit M** is a true and accurate copy of an article by Phillip Rucker, Ashley Parker, Josh Dawsey & Amy Gardner, entitled, *20 days of fantasy and failure: Inside Trump's quest to overturn the election*, Wash. Post (Nov. 28, 2020), which can be found at [https://www.washingtonpost.com/politics/trump-election-overturn/2020/11/28/34f45226-2f47-11eb-96c2-aac3f162215d\\_story.html](https://www.washingtonpost.com/politics/trump-election-overturn/2020/11/28/34f45226-2f47-11eb-96c2-aac3f162215d_story.html).
15. Attached as **Exhibit N** is a true and accurate copy of the Cybersecurity & Infrastructure Security Agency, Joint Statement From Elections Infrastructure Government Coordinating Council & The Election Infrastructure Sector Coordinating Executive Committees (Nov. 12, 2020), which can be found at <https://www.cisa.gov/news/2020/11/12/joint-statement-electionsinfrastructure-government-coordinating-council-election>.
16. Attached as **Exhibit O** is a true and accurate copy of the SETTING THE RECORD STRAIGHT: FACTS & RUMORS (Nov. 12, 13, & 14, 17, 26, 29, 30, 2020) (Dec. 3, 2020)

17. Attached as **Exhibit P** is a true and accurate copy of Secretary of State Jocelyn Benson, *Fact Checks*, [https://www.michigan.gov/sos/0,4670,7-127-1633\\_100423\\_102534\\_102535--,00.html](https://www.michigan.gov/sos/0,4670,7-127-1633_100423_102534_102535--,00.html)
18. Attached as **Exhibit Q** is a true and accurate copy of Georgia Secretary of State, *With 8,197 Votes Out, Officials Focused on Getting it Right*, [https://sos.ga.gov/index.php/elections/with\\_8197\\_votes\\_out\\_officials\\_focused\\_on\\_getting\\_it\\_right](https://sos.ga.gov/index.php/elections/with_8197_votes_out_officials_focused_on_getting_it_right).
19. Attached as **Exhibit R** is a true and accurate copy of an article by Tony Adams et al., entitled, *Scientists Say No Credible Evidence of Computer Fraud in the 2020 Election Outcome, But Policymakers Must Work with Experts to Improve Confidence*, Matt Blaze (Nov. 16, 2020), which can be found at <https://www.mattblaze.org/papers/election2020.pdf>.
20. Attached as **Exhibit S** is a true and accurate copy of The Editorial Board, *Rage Against the Voting Machine*, The Wall Street Journal (Nov. 17, 2020), <https://www.wsj.com/articles/rage-against-the-voting-machine-11605656036>.
21. Attached as **Exhibit T** is a true and accurate copy of the Letter from Dominion to Fox News General Counsel Lily Claffee (Nov. 20, 2020).
22. Attached as **Exhibit U** is a true and accurate copy of the November 22, 2020 Washington Post article by Paul Kane & Felicia Sonmez, entitled, *Chris Christie Calls the Conduct of Trump's Legal Team a 'National Embarrassment'*, as downloaded from the Westlaw database.
23. Attached as **Exhibit V** is a true and accurate copy of the December 10, 2020 Fox Retraction Letter (NYSCEF Doc. No. 79) (Exhibit 77 to the NY Smartmatic Complaint),

*Smartmatic USA Corp. et al. v. Fox Corp., et al.*, Index No. 151136/2021 (Sup. Ct. N.Y. Cnty.)

24. Attached as **Exhibit W** is an analysis of the 4:56 p.m. Tweet of December 10, 2020.

25. Attached as **Exhibit X** is a true and accurate copy of the December 6, 2021 Washington Post article by Emma Brown, Rosalind S. Helderman, Isaac Stanley-Becker and Josh Dawsey, entitled, *Sidney Powell group raised more than \$14 million spreading election falsehoods*, as downloaded from the Westlaw database.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 18, 2022

/s/ Sigmund S. Wissner-Gross  
Sigmund S. Wissner-Gross